

Historic, Archive Document

Do not assume content reflects current scientific knowledge, policies, or practices.

1.9422

A2P942

UNITED STATES DEPARTMENT OF AGRICULTURE
 PRODUCTION AND MARKETING ADMINISTRATION
 Washington 25, D. C.

Number 82

March 17, 1947

Reserve

PROCEDURE TRANSMITTAL

NOTICE

FOOD INDUSTRIES LABOR: Effective February 17, 1947, the Food Industries Labor function, formerly located in the Labor Branch, will be discontinued. It will be necessary, thereafter, for each commodity, or other interested branch, to handle such problems as have previously been referred to the Labor Branch, and also any new problems that may arise from time to time. (Applicable to A (Washington only) and W Manual holders only.)

NEW RELEASES

ADMINISTRATIVE
 NOTICE NO. 52
 3-10-47

SHORTAGE OF FUNDS AVAILABLE FOR PRINTING AND BINDING: Notifies branches of a shortage of funds available for printing and binding and urges economies in placing of orders against the printing and binding funds. (Distributed separately to AA Manual holders only.)

128.14
 3-10-47
 (Supersedes 128.14
 dated 5-24-46)

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES AND FOOD ASSIGNED TO PMA: Revised in accordance with operating experience and also to correct certain conditions reported by the Compliance and Investigation Branch. The status report of sales authorizations is now required to be submitted monthly instead of weekly as at present.

304.1
 3-11-47
 (Supersedes 304.1
 dated 9-5-46)

PERSONNEL CEILINGS: Outlines method for handling personnel ceilings within PMA. Paragraphs II A 1 and 2 rewritten to clarify the definitions of permanent and temporary full-time and part-time employees. Paragraphs II B 2 a and b added to clarify the point at which employees in leave without pay status for more than 30 days are excluded from ceiling compliance and control. Paragraphs IV rewritten to clarify the definition of wage board employees and to give more detailed instructions on the preparation of justifications of requests. Paragraphs V C 3 a, b, and c added to clarify how suballotment advices are handled. Paragraph IX added to include instructions on the submission of the certification of compliance. Forms Manual Insertions for Forms OP-20 and OP-21 will not be distributed. Forms Manual Insertion AD-546 will be revised in the near future.

321.1
 3-6-47
 (Supersedes 321.1
 dated 7-31-46)

LEAVE REGULATIONS AND ROUTINES: Summarizes the more pertinent leave routines, policies and regulations. References to the system of maintaining Time and Attendance Reports do not apply to employees of the Field Service Branch or the Federal Crop Insurance Corporation.

CHANGES455.1
9-18-46

CONTRACT SYMBOLS AND NUMBERS: Change paragraph VII, "Distribution of Contracts" to read as follows:
"Contracting offices shall submit the original and two signed or certified copies of each transaction to which a contract symbol and number is assigned to the fiscal office which assigned the contract symbol and number."

OBSOLETE

The following forms have been declared obsolete. Existing supplies may be disposed of in accordance with PMA Instruction 456.1

No.	Budget Bureau No.	Title
ME-101	40-R1297.1	Appl. for Veteran's Preference Certificate for New Farm Equipment
ME-100	40-R1296.1	Veteran's Preference Certificate for New Farm Equipment
WFO 135 Amendment 1	40-R-1295.1	Veteran's Preference for New Farm Machinery and Equipment.

* * *

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

Administration
Programs
Sales and Surplus Disposal

I PURPOSE

This Instruction outlines the general procedure to be followed in the Production and Marketing Administration in executing the policies outlined in PMA Instruction 128.2, "PMA Policies on Disposal of Surplus Agricultural Commodities and Foods".

II OVERALL COORDINATION

A Responsibilities of the Assistant Administrator - The Assistant Administrator for Fiscal and Inventory Control, or his designee (hereinafter referred to collectively as the Assistant Administrator), is responsible for coordinating at the staff level PMA operations related to the disposal of surplus agricultural commodities and food. The Assistant Administrator shall also serve as the official liaison with other Government agencies on surplus food disposal operations.

1 Commodity branches should not inquire of the War Assets Administration (WAA) relative to Surplus Property Administration Regulations, procedures, or policies. The Assistant Administrator will interpret these regulations, procedures, and policies for the commodity branches. The commodity branches may approach the WAA regarding specific preference certification cases.

B Duties of the Assistant Administrator - The Assistant Administrator shall perform certain surplus disposal operations peculiar to his office, such as acting for the Administrator in administrative interpretations of the Agreement with the Food and Drug Administration; making necessary findings required for donations, destructions, sales below support prices, and so forth; and authorizing emergency disposals by owning agencies.

III THE RECEIPT AND PROCESSING OF DECLARATIONS

A Processing Authorization - The Assistant Administrator will receive all Surplus Declarations and Adjustments reported to the Department of Agriculture and shall:

1 Screen the Surplus Declarations and refer to the appropriate disposal agency items improperly referred to the Department of Agriculture.

2 Clear Surplus Declarations with the armed services in Washington to determine possible use of the products by these groups.

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

(III A)

3 Prepare an official authorization authorizing disposal by commodity branches. Distribute copies of each authorization together with a copy of the Surplus Declaration to the appropriate commodity branch and to the Fiscal (FI) Branch.

4 Maintain the official register of all Surplus Declarations and adjustments received, together with the current status of each.

5 Prepare an acknowledgment of the Surplus Declaration or Adjustment for mailing by the commodity branch.

B No Sales Without Authorizations - Commodity branches will not dispose of surplus property until authorized by the Assistant Administrator as outlined above.

IV WITHDRAWALS AND ADJUSTMENTS OF DECLARATIONS

The Assistant Administrator will receive requests from owning agencies, for adjustments or partial or complete withdrawals of Surplus Declarations, and will clear such requests with the commodity branches. If the commodity branches have not disposed of the commodities and agree that the owning agency may withdraw the items, the Assistant Administrator will prepare the necessary modifications of the authorizations and the notifications to the owning agency of action taken.

V PREPARING COMMODITIES FOR SALE AFTER AUTHORIZATION

A Contract Symbols for Surplus Property - Contracts covering services for inspection, movement, reconditioning, repackaging, and so forth, will be identified by using the surplus property contract identification "(S)" so that such expenses will be charged to surplus property operations. Inquiries regarding the availability of funds to pay specific expenses incurred in out-of-the-ordinary care, handling, and disposition of surplus property should be directed to the Budget Division, Budget and Management Branch in Washington.

B Inspection - The commodity branches will determine the need for inspections and arrange directly with the appropriate inspection agency within PMA to make commodity quality and condition inspections, in accordance with the provisions contained in PMA Instruction 127.2, "Commodity Inspections of USDA-Owned Foods".

C Care and Handling - Under the provisions of WAA Reg. 1, Order 11, PMA's responsibility for care and handling is limited to surplus contractor inventories requiring movement to permit reconversion. Surplus Property Declarations show the location of declared surplus property and when such location is a contractor's plant, this is the first indication that care

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

Administration

Programs

Sales and Surplus Disposal

(V C)

and handling by PMA may be necessary. In such an instance, notification that movement from the plant to permit reconversion is necessary will ordinarily be received by the commodity branch directly from the owning agency or through the Assistant Administrator. Whenever it becomes necessary to move a commodity from the contractor's storage, the commodity branch will arrange to move the commodity, either directly or through the Shipping and Storage (SS) Branch in accordance with PMA Instruction 121.A, "Assignment of Shipping and Storage Functions for Commodities".

D Reconditioning, Repackaging, and Related Services - The commodity branches will determine whether to recondition, repackage, segregate, denature, or perform other related services to commodities prior to sale. Commodity branches responsible for shipping and storage activities will perform or arrange for desired services. Other branches will request the SS Branch to perform or arrange for such services.

E Obtaining Additional Data - The commodity branches may contact the owning agencies directly to obtain any additional operating information needed to conduct sales. When such additional information involves any change in the quantity or value of the property as declared, the commodity branch shall request the owning agency to submit adjustment forms. Such request shall be in writing or shall be confirmed in writing with a copy furnished to the Assistant Administrator.

VI USE OF BRANCH FIELD OFFICES AND STATE OFFICES IN MAKING SALES

A Determination to Use - The commodity branches will determine in each instance whether they will conduct sales through the Washington office of the branch or through the branch field offices or PMA state offices.

B Field Reference - When commodity branches utilize field offices or PMA state offices in making sales, they will set up a reference system and maintain records so that they will know the status of items at all times.

C Instruction on Sales Procedure - When sales are made through field offices, the commodity branches shall instruct their field offices as to the procedure to be followed. Where commodity branches arrange to utilize PMA state offices to conduct sales, the Field Service Branch is responsible for insuring that PMA state offices follow established procedures. In either case, with respect to Food Sales Listings (FSL), the procedures shall include the necessary provision to insure that all field offerings are reported to Washington for inclusion by the commodity branch in the FSL.

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

VII MAILING LISTS

The Administrative Services (AS) Division will initially handle requests from prospective purchasers who wish to receive information on offerings of surplus agricultural commodities and foods, and will add these names to the appropriate mailing list(s). The AS Division shall maintain a list of names for use in distributing Government Priority Notices; a list of names for use in distributing Priority Announcements; and a list of names for use in distributing FSL. Mailing lists for FSL will be supplemental to any special or other trade lists which the commodity branches utilize in sending out sales announcements.

VIII OFFERING COMMODITIES FOR SALE

A Classes of Prospective Purchasers -- The general classes of prospective purchasers are as follows:

- 1 Agencies of the Federal Government.
- 2 Veterans certified by the WAA.
- 3 Reconstruction Finance Corporation for resale under Sec. 18 (e) of Surplus Property Act.
- 4 State and local governments and instrumentalities.
- 5 Educational, public health, other nonprofit institutions, and public international organizations which are approved by the WAA.
- 6 Trade -- See PMA Instruction 128.2.

B Distribution of Announcements -- Group 1 receives notice of offerings through the medium of Government Priority Notices. Groups 3 and 4 receive notice of offerings through the medium of Priority Announcements. Groups 2 and 5 receive notice of offerings through the medium of FSL. Offerings to Groups 2 and 5 are also included in Priority Announcements, for the information of certifying (WAA) offices. Group 6 (Trade) receives notice of offerings from trade announcements except when disposition is by negotiated sale or by other method not requiring announcements.

1 Priority Announcements - Government Priority Notices and Priority Announcements shall be prepared in accordance with PMA Instruction 128.13, "Announcement of Surplus Property Sales".

2 Distribution of Priority Announcements - Government Priority Notices shall be issued to Group 1 only. Priority Announcements may be issued to any combination of priority and preference groups, provided (a) the sequence listed in paragraph VIII-A is not broken, and (b) the property has previously been offered to any group of

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

Administration
Programs

(VIII B 2)

Sales and Surplus Disposal

higher priority which is omitted. Priority Announcements may be combined with trade announcements. In determining whether property should be offered to Group 2 only, or the extent to which it should be offered to other groups at the same time, the commodity branches shall be guided by the quantity available, the nature of the commodity, and the anticipated demand. Commodity branches shall be responsible for issuing instructions to the AS Division to insure proper mailing of Government Priority Notices and Priority Announcements in each instance.

C Sales Announcements - When commodity branches utilize sales announcements, they will prepare and clear them with the Solicitor's Office in accordance with PMA Instruction 128.13. To the extent practicable, the commodity branches will utilize standard terms and conditions established by the Assistant Administrator.

1 Distribution - To provide for proper distribution of sales announcements, the commodity branches shall develop and maintain up-to-date classified trade and other mailing lists. The AS Division shall duplicate and mail these announcements as instructed by the commodity branches. The mailing list used in each instance should be selected to provide minimum adequate competitive coverage, taking into consideration the quantities and the locations of goods to be sold.

2 Release - The commodity branches shall synchronize the release of sales announcements with the issuance of press releases and the FSL relating thereto.

a Press Releases - The commodity branches shall consult with Information Services to arrange for the issuance of press releases covering sales made from Washington or from the field. The branch director or his designee shall approve press releases and forward them to Information Service for distribution.

b Food Sales Listings - The commodity branches will furnish the Assistant Administrator a brief summary of information with respect to each offering for inclusion in the FSL. The Assistant Administrator will consolidate FSL information and teletype the full text to the area AS offices for duplication and mailing and to the AS Division in Washington for mailing. Commodity branches will deliver this information to the Assistant Administrator by 2:00 p.m. Friday for release the following Tuesday. Unavoidably delayed additions or alterations may be

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

(VIII C 2 b)

made until 9:30 a.m. on the Monday preceding the day of release. This information shall be furnished in narrative form as follows:

(1) Item Headings - Each item submitted by a commodity branch for inclusion in an FSL shall include in its heading either, (SURPLUS PROPERTY) or (CCC PROPERTY) as the case may be.

(2) Reference to Announcement - Each item in an FSL shall include the Announcement Number and the Priority Announcement Number, whenever the items listed are covered by such announcements.

(3) Priority Offerings Only - Priority Notices are issued exclusively to Government agencies and should not be listed in the FSL.

(4) Reofferings - When property which was previously offered in Priority Announcements but is not currently reoffered to priority groups is included in the FSL, the item should carry the words: "This property previously offered in Priority Announcement No. ____."

(5) Offerings Without Regard to Priorities - All items offered without regard to priorities and preference should carry such wording as:

"For disposition in accordance with Reg. 2,
WAA, Sec. 8302.3 (b) (3) or (4) or (5) or
(6) as the case may be. Offered on a nego-
tiated basis to _____
_____." or "Offered to manufacturers
of _____ only."

D Buyers' Inspections and Samples - When Sales Announcements provide for inspection of goods by prospective buyers, the commodity branches will make the necessary arrangements with the custodian to permit prospective buyers to inspect the goods, and, where necessary, to withdraw samples.

E Numbering Announcements - The commodity branches shall assign Announcement numbers, except for Government Priority Notices and Priority Announcements, in which cases the branches shall obtain the numbers from the Assistant Administrator.

F Minimum Lots in Sales Announcements

1 Announcements shall not include any provision which gives

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

Administration

Programs

Sales and Surplus Disposal

(VIII F 1)

preference to requests for entire lots or which restricts consideration to requests for complete lots.

2 In the case of priority and preference claimants an appropriate provision would incorporate the language to the effect that requests will be considered for "quantities not smaller than the smallest lots consistent with commercial practice." This is recognized as not being a very definitive statement but, in its practical application, requests from priority and preference holders should be considered in every case except where the quantity requested is unreasonably small and where it would be impracticable to approve such a request in the light of the circumstances of the specific request and the particular lots involved.

IX DISPOSAL WITHOUT REGARD TO PRIORITY PROVISIONS

Whenever the commodity branches offer items for sale without regard to priority provisions, the commodity branch director, or an individual expressly designated by him to make such findings, shall sign a statement outlining the circumstances which required offering without regard to these provisions. This statement shall become part of the permanent files of the branch.

X HANDLING AND ACCEPTANCE OF OFFERS

A Handling of Offers and Bids after Receipt - Offers and bids received in connection with offerings of surplus property shall be handled in accordance with PMA Instruction 120.5, "Procedure for Handling Certain Bids Relating to Commodity Purchase, Sale, and Service".

B Priorities and Preferences - In making acceptances, the commodity branches shall comply with all applicable priority and preference regulations. Requests from holders of the same priority shall be filled on a pro-rata basis or on such other equitable basis as the commodity branch may determine when the quantity of any type of property available is insufficient to fill all such requests. In such a case the maximum quantity which should be allocated to any one priority claimant should to the extent feasible be a quantity which will assure wide distribution of the available quantity.

C Offers to be Accepted - The commodity branches shall determine the specific offers to be accepted. When more than one commercial bid is filed at the same price, the commodity branches shall determine the appropriate method for allocating the commodity to the bidders.

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

(X)

D Cash and Credit Sales - The commodity branches may extend credit only to Federal, State, and local governments and public international organizations. All other sales shall be for cash and payments made either by certified or cashier's check or by draft.

E Contracts - Commodity branches shall prepare contracts in accordance with the conditions established by PMA, clear contract forms with the Solicitor's Office before use, execute contracts in the name of the United States Department of Agriculture, and identify such contracts by using the surplus property contract identification "(S)". To the extent practicable, the commodity branches will utilize the standard terms and conditions established by the Assistant Administrator.

1 Amendments to Contracts - As indicated in paragraph XIII, subparagraph C, below, contracting officers shall not amend contracts to provide for payment of damages resulting from breach of warranty or breach of contract. Deviations in specifications between the commodity as delivered and as provided for in the contract may be made the subject of an amendment to the contract and the parties may agree upon a price for the commodity as delivered. Where the contract contains an adjustment clause, an amendment to the contract is unnecessary where slight deviations between the contracted and delivered quantities occur. However, in order to protect the interests of the Government, where substantial deviations between the contracted and delivered quantities occur, the FI Branch, after examination and determination of the request for refund, shall request the contracting officer to obtain an amendment to the contract reducing the contracted quantity to the delivered quantity.

F Defaults - In instances in which a buyer defaults after reaching a contractual agreement (for example, failure to remit check within the stipulated time) and PMA resells the goods for less money, the FI Branch in Washington will attempt to collect the difference between the sales prices from the defaulting buyer. To enable the FI Branch to do this, the commodity branches shall furnish the FI Branch in Washington with all necessary data relating to the first contract, additional storage and other costs, and the contract of ultimate sale.

XI NOTICE TO RELEASE

A When PMA has Custody - When PMA has custody of the goods the branch having the responsibility for shipping and storage of the commodity involved shall release the goods in accordance with established procedure.

B When PMA Does Not Have Custody - When PMA does not have custody of the goods, the contracting branch shall send the original Notice to Release to the custodian of the goods and shall send copies to the buyer,

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

Administration
Programs

(XI B)

Sales and Surplus Disposal

to the owning agency and to the FI Branch in Washington, and shall retain one copy for its files. The Notice to Release shall be forwarded to the office of the custodian rather than to the individual named as custodian. It shall contain full information as to the name and address of the buyer, the identification, quantity, and location of the commodity sold, the delivery basis including the buyer's shipping instructions in case of f.o.b. carrier sales, and the storage provisions of the contract. The Notice to Release shall also contain a request that the office of the custodian forward a delivery report indicating the date, quantity, identification, and basis of delivery of the commodity to the office which issued the Notice to Release. This delivery report will be the basis for adjustments for coverages and shortages in the contract quantity.

XII ABSTRACTS OF SALE

The commodity branches shall prepare and distribute abstracts as prescribed in PMA Instruction 127.1, "Preparation and Distribution of Abstracts".

XIII COLLECTION OF SALES PROCEEDS

A Cash Sales

1 Cashier's or Certified Checks

a Commodity branches shall inform prospective buyers to make cashier's or certified checks payable to the "Treasurer of the United States" and ration currency checks payable to the "Production and Marketing Administration," and shall instruct the buyer to forward checks to the FI Branch in Washington.

b Immediately upon receipt of a check, the FI Branch shall prepare and send to the purchaser an acknowledgment of receipt of the check and indicate that it has instructed the contracting office to arrange for the release of the goods. The FI Branch shall send a copy of this acknowledgment to the contracting office as a basis for the preparation of abstracts and for taking other action necessary to effect release of the goods. Where the SS Branch has custody of the goods, that Branch shall prepare the Notice to Release goods.

B Credit Sales - As soon as sales contract is signed, the contracting office shall notify the custodian to release the property to the buyer. The FI Branch in Washington will prepare all invoices for this type of sale. When the field office of a commodity branch consummates a sales contract,

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

(XIII B)

the Area FI Office covering the location of the goods shall forward copies of the contract and any related papers to the FI Branch in Washington. The FI Branch will forward a copy of each invoice to the contracting office.

C Claims, Refunds, and Equitable Adjustments - There are funds available to PMA to permit (1) payment of claims based on breach of any warranty, (2) appropriate refunds to purchasers when any disposition is rescinded, or does not become final, and (3) the making of equitable adjustments in accordance with contract provisions therefore by the Assistant Administrator who has been designated by the Secretary of Agriculture as his representative for this purpose.

1 The contracting officer shall review any claim for damages based on breach of warranty or breach of contract, or any request for refund or for equitable adjustment, obtain any additional information required, and recommend an appropriate settlement. This recommendation, together with the claim, or the request for refund or for equitable adjustment, and supporting documents, shall be forwarded to the FI Branch. Contracting officers shall not amend contracts to provide for payment of damages resulting from breach of warranty or breach of contract.

2 The FI Branch shall (a) determine whether the claim or request for refund shall be allowed or disallowed, and shall make the appropriate certification for payment if allowed, or (b) forward requests for equitable adjustment to the Assistant Administrator for such adjustment as in his sound discretion he determines to be equitable under the circumstances, or (c) forward the claim to the General Accounting Office for direct settlement, administratively approved or disapproved.

XIV EXPORT SALES

The commodity branches shall not sell for export, food and food products located in the United States unless it is first determined that (1) there is no shortage of the commodity in the United States, and that the proposed sale or disposal will not result in such shortage, or (2) the commodity is not needed to supply the normal demands of consumers in the United States. The commodity branches shall propose these determinations for export and route them through the Assistant Administrator to the Director of Requirements and Allocations.

XV RECORDS AND REPORTS

A Branch Records - The commodity branches shall maintain records of all sales. Branch records shall include signed veterans preference certificates fully covering all sales made pursuant to veterans preference

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

(XV)

regulations. To preclude the sale of surplus commodities to veterans in amounts greater than the amount for which they have been certified, commodity branches shall record on the reverse of each veterans preference certificates the quantity, value, contract number and date of sale of each sale made to the holder of the certificate.

B Status Report - Each commodity branch shall submit a report, in quadruplicate, to the Assistant Administrator, as of the close of business on the last Friday of each month, or as otherwise required by the Assistant Administrator, showing the authorization number, date of the authorization, commodity, unit, quantity authorized, quantity disposed of to date, quantity remaining for disposition, and comments as to current status.

1 Authorizations for identical commodities may be grouped and shown as a single item on the report provided that such grouping is not detrimental to the reporting of current status under the heading of comments. When authorizations are grouped, all authorization numbers must be shown, but the range of dates may be shown in lieu of listing all the dates.

2 Whether each individual authorization is listed or whether some are grouped, all authorizations for a given commodity shall be shown in one place in the report (as opposed to a straight numerical list) unless such arrangement is to the distinct disadvantage of the branch from the standpoint of its use of the status report for operating purposes.

3 The status report shall include only sales authorizations which are incomplete. An authorization shall be considered incomplete until such time as (a) a copy of sales contract has been transmitted to the FI Branch, or (b) formal withdrawal has been received from the owning agency and transmitted to the commodity branch by authorization adjustment. Authorizations shall not be removed from the status report on the basis of informal notification that a declaration will be withdrawn, or on the basis of mere knowledge that sale or other disposition has been accomplished. In order to provide adequate tie-in with the fiscal records, authorizations shall be removed from the status report only on the basis of official documents and only when the entire quantity shown by declarations and adjustments has been accounted for by such documents which have been transferred to the FI Branch.

4 Concurrent with the removal of an authorization from the status report there shall be submitted to the Assistant Administrator the pink form entitled "Report of Disposition of Declared Surplus Property" which accompanied the authorization. This report requires only the insertion of the quantity sold and the proceeds of sale with

DISPOSAL OF SURPLUS AGRICULTURAL COMMODITIES
AND FOOD ASSIGNED TO PMA

(XV 4)

respect to the total property covered by the authorization.

C Report to War Assets Administration - The FI Branch shall keep the official records of surplus agricultural commodities and food authorized for disposal by the Assistant Administrator and of all dispositions made of such property. For this purpose, the commodity branches shall furnish the FI Branch such information as required. The FI Branch shall prepare all official fiscal reports as required by the War Assets Administration and as directed by the Assistant Administrator.

* * *

PERSONNEL CEILINGS

Personnel
Basic
Personnel Ceilings

I GENERAL

The Bureau of the Budget and the Department make quarterly determinations of the maximum number of employees required by Production and Marketing Administration (PMA). These determinations are based on requests submitted by the PMA.

II PERSONNEL CEILINGS

Each branch and staff office is allotted a quarterly personnel ceiling, which is limited by law and must not be exceeded at any time during the quarter.

A Personnel Included - (1) Those employees whose basic compensation is fixed in accordance with the Classification Act of 1923 as amended, by executive or administrative order, by State rates of pay, personal service contract rates, certain fee basis and per diem rates, or by special laws, and (2) wage board employees. Such employees must be classified in one of the following categories:

1 Permanent and Temporary Full-Time Employees - A full-time employee is one who is appointed to work regularly the minimum number of hours and days required by the official workweek for the group or class of employees in which he is employed. Example: Typists are required to work regularly 40 hours per week. Therefore, a typist appointed to work regularly 40 hours per week is a full-time employee. Similarly, certain kinds of inspectors are required to work regularly 12 hours per week which is the generally accepted tour of duty for that class of work. Such inspectors would be full-time employees.

a Employees with a "When actually employed" (W.A.E.) status who might because of circumstances work during any period the same number of hours required for full-time employees would still continue to be considered as part-time employees and chargeable to the ceiling in man-months. (See Section II-A-3 below.)

2 Part-Time Employees, Either Permanent or Temporary - A part-time employee is one appointed to work regularly a fixed number of hours and days less than that required by the official workweek for the group or class of employees in which he is employed. Example: Typists are required to work regularly 40 hours per week. Therefore, a typist appointed to work regularly 20 hours per week is a part-time employee. Similarly, certain kinds of inspectors are required to work regularly 12 hours per week which is the generally accepted tour of

PERSONNEL CEILINGS

(II A 2)

duty for that class of work. Such an inspector appointed to work regularly 6 hours per week would be a part-time employee. Part-time employees are chargeable to the ceiling in man-months.

3 Employees with "When Actually Employed" (WAE) Status - Such employees are considered part-time employees, and are chargeable to part-time ceiling (man-months of part-time employment).

4 Cooperatively Controlled Agents - Agents employed under cooperative agreements which reserve to the State or other nonfederal agency or organization any supervisory control either as to duties or as to salaries.

5 Detailed Employees - Employees detailed to other branches, staff offices, areas, or other Government agencies.

6 Persons Employed Under Letters of Authorization - Except those paid by an official who receives reimbursement through Standard Form 1012, "Voucher for Per Diem and/or Reimbursement of Expenses Incident to Official Travel." SF-1012

B Personnel Excluded

1 Employees on military furlough.

2 Employees in nonpay status as follows:

a Employees expected to be in a nonpay status during the entire quarter are excluded by the preparing branch or staff office from Form AD-530, "Estimate of Quarterly Personnel Requirements." AD-530

b Employees placed in a nonpay status for a scheduled period longer than 30 days are excluded from the charge to the ceiling allotment maintained by the appropriate personnel office at the beginning of the nonpay status.

3 Employees placed on annual or sick leave after the last day of active duty specified in a reduction in force notice.

4 Employees detailed from other branches, staff offices, areas or other Government agencies.

5 Persons who are employed under contract, the cost of which is chargeable to "07, Other Contractual Services."

PERSONNEL CEILINGS

Personnel
Basic
Personnel Ceilings

(II B)

6 Persons employed under letter of authorization who are paid by an official who receives reimbursement through SF-1012.

7 Employees stationed in foreign countries whose compensation is not fixed in accordance with the Classification Act of 1923 as amended.

8 Without compensation (WOC) employees.

9 Casual workers - those employees hired informally "on the spot" without appointment, for short intervals of time, to cope with fire, flood, and other emergencies.

10 Workers or trainees whose compensation is in the nature of an allowance.

III RESPONSIBILITY FOR ASSIGNMENT OF PERSONNEL CEILINGS

The Budget and Management (BM) Branch is responsible for reviewing requests for personnel ceilings or adjustments, and for the issuance of ceiling allotment to each branch and staff office. The Director of the BM Branch and the Chief of the Budget Division are authorized to approve personnel ceiling notices and adjustments for branches and staff offices. Branches and staff offices are responsible for issuance of ceiling suballotments for their respective Washington, area and other field offices.

IV PROCEDURE FOR OBTAINING APPROVED PERSONNEL CEILINGS

A Requests for Ceilings - Directors of branches and staff offices shall submit requests for personnel ceilings on AD-530. One request, by work projects, covering all the employment of each branch or staff office including field, except wage board employment, will be submitted. If a branch or staff office has any wage board employees, a separate request covering such employees will be prepared. (Wage board employees are employees whose basic compensation is fixed and adjusted from time to time in accordance with prevailing rates by officially authorized Department wage boards.) "Present employment" will be reported on AD-530 as follows: (1) Full-time employees as of the last day of the month preceding the month in which the request is due in the BM Branch and (2) man-months of part-time employment during the month preceding the month in which the request is due in the BM Branch.

B Justification of Requests - Requests for personnel ceilings must be accompanied by justifications explaining, for full-time employment, the difference between the new ceiling requested and employment of the branch

PERSONNEL CEILINGS

(IV B)

or staff office as of the last day of the previous month and, for part-time employment, the difference between the new ceiling requested and the estimated number of man-months of part-time employment that will be worked in the branch or staff office during the whole of the current quarter. Justifications must explain these differences in terms both of work projects and organizational divisions and subdivisions. All justifications must be explicit and must account for: (1) Any changes in functions, activities, and trends in workloads anticipated during the period; (2) a plan of accessions and/or separations of employees; and (3) the anticipated duration of the work in case of seasonal or peak workloads.

C Submission Dates - Form AD-530 with justifications will be submitted according to the following schedule:

<u>Request For</u>	<u>Period Covered</u>	<u>Due in BM Branch</u>
1st Quarter	July 1 - Sept. 30	Mar. 20 preceding
2nd Quarter	Oct. 1 - Dec. 31	June 20 preceding
3rd Quarter	Jan. 1 - Mar. 31	Sept. 20 preceding
4th Quarter	Apr. 1 - June 30	Dec. 20 preceding

V ESTABLISHMENT AND ISSUANCE OF PERSONNEL CEILINGS

The BM Branch, on the basis of the quarterly estimates submitted by the branches and staff offices on AD-530, will submit a request for a total PMA personnel ceiling to the Department for consideration and inclusion in the Department's submission to the Bureau of the Budget. After a personnel ceiling has been established for PMA, the BM Branch will in turn establish a ceiling for each branch and staff office. Branches and staff offices will establish ceilings for their Washington, area, and other field offices not included within the area jurisdiction.

A Allotment of Personnel Ceilings - The BM Branch will allot personnel ceilings on Form AD-546, "Notice of Personnel Ceiling Allotment," to each branch or staff office in two breakdowns: AD-546

- (1) A total full-time personnel ceiling for the ensuing quarter and
- (2) a total man-months of part-time employment ceiling for the ensuing quarter. It should be noted that there is no limitation on the number of part-time employees who may be employed at any given time, provided the total man-months allotted for the quarter is not exceeded.

B Distribution of AD-546

1 Original and first copy to the branch or staff office concerned.

 PERSONNEL CEILINGS

Personnel
Basic
Personnel Ceilings

(V B)

- 2 Second copy to the Washington PE Division.
- 3 Retain third copy in Budget Division.

C Suballotment of Personnel Ceilings by Branches and Staff Offices - Branches and staff offices will, in turn, suballot on AD-546 from their total ceilings. Suballotments will be issued for (1) departmental activities, and (2) field activities by area or other approved field office units. These allotments will indicate (a) full-time ceilings and (b) man-months of part-time employment for the quarter. The total of such suballotments made by any one branch or staff office shall not exceed the ceiling established for the branch. If a branch or staff office has no counterpart in the field, no suballotment is necessary. Each branch or staff office with field employees will prepare suballotments for its departmental office and each area or other approved field office unit on AD-546 in an original and four copies and forward the original and all copies to the Budget Division. After determining that the suballotments are within the overall ceiling allotted to the branch, the Budget Division will stamp all copies "Approved" and make the following distribution:

- 1 Original and first copy to the Washington branch or staff office.
- 2 Second copy retained in the Budget Division.
- 3 Third and fourth copies to the Washington PE Division which will:
 - a File one copy after posting to general ceiling records.
 - b Transmit one copy to the Area PE Division responsible for maintaining the control records for the particular field office affected by the suballotment.
 - c Supply to the appropriate Area PE Division, for transmittal to the field office responsible for ceiling control records, the official suballotment for a field office not serviced by an Area PE Division. (See VII, B, below; and the listing in PMA Instruction 112.2.)

VI WHEN CEILING ALLOTMENT IS LESS THAN EMPLOYMENT

When the ceiling allotted to a branch or staff office is less than current employment, it is mandatory that the directors of the branches and staff

PERSONNEL CEILINGS

(VI)

offices take immediate steps to reduce personnel to the allotted ceiling. Since it is PMA policy to give 30 days' notice to employees being furloughed or separated because of reduction in force, it is necessary that directors of branches and staff offices plan such reduction sufficiently in advance so that the required notice may be given.

VII CEILING ENFORCEMENT RESPONSIBILITY

A Branch and Staff Offices - It is the responsibility of each branch and staff office director to maintain employment in his branch or staff office within the personnel ceiling allotted.

B Personnel Offices - The Washington PE Division, the Area PE Division, or those field offices not serviced by an Area PE Division listed in PMA Instruction 112.2, "Organization of BM and FI Branch Area Offices," are responsible for maintaining the control records listed below and for processing only those personnel actions which are within the ceiling established for a particular organization.

1 Full-Time Employees - Adequate control records shall be maintained on full-time employees to insure processing only those personnel actions which are within the ceiling established for a particular organization.

2 Part-Time and WAE Employees - The appropriate control office shall maintain a record of the man-months ceiling allotted to each organizational unit, compare this record, at the end of each month, with the number of man-months worked, and:

a For the first month of the ceiling quarter, if more than one-third of the man-months ceiling has been used, notify the director of the branch or staff office and any suballottees concerned of the balance of allotted man-months for the quarter.

b For the second month of the ceiling quarter, the procedure shall be the same as that outlined in the preceding subparagraph, except that the fraction $2/3$ shall be used as a basis for comparison.

VIII ADJUSTMENT OF CEILINGS DURING QUARTER

A Branch or Staff Office Revisions - During the quarter, branch or staff office overall ceilings may need revision as a result of changes in programs, the development of a serious backlog of work, or other circumstances. In such instances the directors of branches and staff offices shall submit a request for an increase or decrease in personnel ceiling. A complete justification must accompany a request for increase. Revised

PERSONNEL CEILINGS

Personnel
Basic
Personnel Ceilings

(VIII A)

allotment advices will be handled and distributed in the same manner as in paragraph V B.

B Suballotment Revision - Revision of branch or staff office suballotments may become necessary during a quarter. In such cases, branches and staff offices will issue revised suballotment advices. Suballotment advices increasing ceilings of one or more area offices of a branch or staff office must be balanced by suballotment advices decreasing ceilings of one or more of the other area offices so that the total ceiling of the branch or staff office will not be exceeded. Revised suballotment advices will be handled and distributed in the same manner as in paragraphs V C.

IX CERTIFICATION OF COMPLIANCE

It shall be the responsibility of the Washington PE Division to prepare the necessary ceiling compliance certificates required on Forms OP-20, "Report of Employment for Limitation Certification," and OP-21, "Certification of Compliance with Personnel Limitations." The completed OP-20 and OP-21 shall be routed through and approved by the Budget Division and the Director of the BM Branch. The Director of the BM Branch shall forward the OP-20 and OP-21 to the Administrator who shall sign OP-21 and submit both forms to the Office of Personnel, Department of Agriculture.

* * *

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

INDEX

	Page	Paragraph
ADMINISTRATION OF LEAVE	3	V
ANNUAL LEAVE	4	VI
How Credited		
Permanent	4	VI
Permanent First-Year	4	
Temporary	9	VII
How Earned		
Permanent	4	VI
Permanent First-Year	4	VI
Temporary	9	VII
How It May Be Taken		
Permanent	5	VI
Permanent First-Year	5	
Temporary	9	VII
Reappointment	8	VI
Refund of Lump-Sum Payment	8	VI
COURT LEAVE	19	XIII
EMPLOYEES ENTITLED TO LEAVE	3	III
EMPLOYEES NOT ENTITLED TO LEAVE	3	IV
HOLIDAY	22	XIII
LEAVE FOR CIVIL SERVICE EXAMINATIONS	20	XIII
LEAVE FOR DISABLED VETERANS FOR MEDICAL TREATMENT	21	XIII
LEAVE FOR DONATION OF BLOOD	21	XIII
LEAVE FOR VOTING PURPOSES	21	XIII
LEAVE WITHOUT PAY	14	XI
LUMP-SUM PAYMENTS	2,6,9	II,VI,VII
REFUND FOR LEAVE GRANTED IN ADVANCE OF ACCRUAL	13	X
SELECTIVE SERVICE BOARD EXAMINATION	20	XIII

LEAVE REGULATIONS AND ROUTINES

INDEX (Cont'd)

	Page	Paragraph
SICK LEAVE	9	VIII
How Credited		
Permanent	9	VIII
Permanent First-Year	9	VIII
Temporary	12	IX
How Earned		
Permanent	9	VIII
Permanent First-Year	9	
Temporary	12	IX
How It May Be Taken		
Permanent	10	VIII
Permanent First-Year	10	VIII
Temporary	13	IX

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

I PURPOSE

This Instruction summarizes the more pertinent leave routines, policies and regulations applicable under the Leave Acts and the Uniform Leave Regulations. Recording officers should be thoroughly familiar with all the provisions of this Instruction.

II DEFINITIONS

A Approving Officers - Officials authorized to approve leave for employees under their supervision including advance sick leave with concurrence of the pay roll office except leave without pay for more than 30 days.

B Recording Officers - In Washington, employees designated to maintain and sign Standard Forms 1135 or 1136, "Time and Attendance Report." In the field, employees designated to maintain and sign Standard Form 1130, "Time and Attendance Report." SF-1135
SF-1136
SF-1130

C Accumulated Leave - The unused leave remaining to the credit of an employee at the close of any calendar year.

D Monthly Accrual - The amount of leave which a temporary employee earns each month of service and the amount of sick leave which a permanent employee earns each calendar month.

E Medical Certificate - A written statement signed by a registered practicing physician or practitioner, certifying to the period of disability of the employee while he was undergoing professional treatment.

F Month of Service - For temporary employees - a period in a pay status covering a full calendar month, or beginning on any date of a calendar month and ending at the close of business of the preceding date in the next calendar month.

G Contagious Disease - A disease ruled as subject to quarantine as defined by the local health authorities.

H Pay Period - Biweekly, ending on Saturday.

I Personal Certificate - (1) The statement of an employee on the reverse of Standard Form 71, "Application for Leave," certifying that his absence of 3 workdays (24 hours) or less was due to illness which incapacitated him for duty; (2) initials of the employee on SF-1135 or 1130, (3) a statement on SF-71 certifying that he received SF-71

LEAVE REGULATIONS AND ROUTINES

(II I)

medical, dental or optical treatment or examination and indicating the name and address of the practitioner visited, or (4) in the case of absence due to illness in excess of 3 days (24 hours) when the services of a physician were not employed, a statement in the "Remarks" space on the reverse of SF-71 relating the nature of the illness and the reason why the services of a physician were not obtained.

J Lump-sum Payment - Payment upon separation for accumulated and accrued annual leave due. Such lump-sum payment shall equal the compensation that an employee would have received had he remained in the service until the expiration of the period of such annual leave as computed on day of separation.

K Absence Without Pay - Any absence in a nonpay status; includes periods of leave without pay, furloughs, and suspensions.

1 Leave Without Pay - Authorized absence without pay granted at the request of the employee.

2 Furlough - Involuntary absence without pay initiated by the Administration.

3 Military Furlough - Absence granted an employee while on active duty with the armed forces.

4 Suspension - A disciplinary action resulting in loss of pay and loss of time.

L Appropriate PE Office - As used in this Instruction means:

1 When Washington personnel are involved, the Personnel Division, Budget and Management Branch, Washington.

2 When field personnel are involved, those personnel offices and operating field offices having delegated employment authority as outlined in PMA Instruction 112.2, "Organization of BM and FI Branch Area Offices."

M Appropriate Pay Roll Office - As used in this Instruction means:

1 When Washington personnel are involved, the Administrative Fiscal Division, Fiscal Branch, Washington.

2 When field personnel are involved, the appropriate pay roll office as outlined in PMA Instruction 112.2, "Organization of BM and FI Branch Area Offices."

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

III EMPLOYEES ENTITLED TO LEAVE

A Permanent Employees - Those appointed without limitation as to length of service, or for definite periods in excess of one year, or for the "duration of the job," or for the duration of the war and for six months thereafter; and those who, although paid only when actually employed, are continuously employed or required to be available for duty for a period of not less than one month, as distinguished from part-time or intermittent employees. The term includes employees serving under Sec. 2 of Temporary Civil Service Regulation VIII.

B Permanent-First-Year Employees - Permanent employees who have less than one year of federal service.

C Temporary Employees - Those appointed for definite periods of time not exceeding 1 year.

IV EMPLOYEES NOT ENTITLED TO LEAVE

A Limited Service - Employees appointed for service limited to definite portions of each day, week, or month, whose appointments do not call for full-time service are considered part-time employees and as such are not entitled to leave.

B Temporary Employees - Temporary employees engaged on construction work at hourly rates are not entitled to leave.

C Consultants - Consultants employed and paid on the basis of WAE (when actually employed) are not entitled to leave.

D Intermittant Employees - Those serving under repeated appointments or employments for short periods none of which extend for a full calendar month are not entitled to leave.

V ADMINISTRATION OF LEAVE

A Computation - All leave must be computed and recorded in units of hours.

B Authority to Approve Leave - Approving officers are authorized to approve leave for employees under their supervision, subject to such limitations as may be imposed by branch and staff office instructions; and except LWOP for more than 30 days (240 hours) which MUST be approved by the appropriate PE Office. Advance sick leave MUST be concurred in by the appropriate pay roll office.

C Application for Leave - Except in cases of emergency, annual leave must be requested in advance. Leave without pay and sick leave for medical, dental, or optical examination or treatment must also be applied for in advance.

 LEAVE REGULATIONS AND ROUTINES

(V)

D Absence Without Authorized Leave - If an employee is unable to report for duty he must notify his supervisor as early as possible on the first day of absence. Absence from duty for which no satisfactory explanation is given may be grounds for disciplinary action against the employee.

E Necessary Absence from Duty - Occasional unavoidable or necessary absence from duty not in excess of 30 minutes may be excused without charge against annual leave within the sound judgment of the employee's supervisor. Absence from duty in excess of 30 minutes shall be charged against annual leave in multiples of 1 hour.

VI ANNUAL LEAVE REGULATIONS APPLICABLE TO PERMANENT AND PERMANENT-FIRST-YEAR EMPLOYEES

A How Annual Leave is Earned

1 Permanent employees shall be credited with leave at the rate of 1 day (8 hours) per biweekly pay period except while in a furlough without pay status. The minimum credit shall be 4 hours and additional credits shall be in multiples thereof. Except for first-year War Service employees or those appointed under interim Civil Service Regulations, employees may be permitted to use the entire calendar year's credit of 208 hours any time during the calendar year in which it accrues.

2 For the duration of the present emergency the maximum amount of annual leave which may be carried forward from one calendar year to the next is 90 days (720 hours). When the accumulated leave equals or exceeds 60 days (480 hours) at the beginning of a calendar year, the additional amount which may be carried over from one calendar year to the next is 15 days (120 hours) until the total accumulation reaches 90 days (720 hours). When accumulated leave carried forward to the beginning of a calendar year is less than 60 days (480 hours), the full 26 days (208 hours) accrued during the year may be further accumulated. For example: An employee has 58 days (464 hours) annual leave to his credit as of January 1, 1944. He earns 26 days (208 hours) annual leave for the calendar year 1944. During the year he takes 5 days (40 hours) annual leave; therefore, as of December 31, 1944, he has a balance of annual leave to his credit of 79 days (632 hours). He may carry forward to January 1, 1945, the entire amount of 79 days (632 hours) as the 15-day limitation would not apply until the total accumulation carried forward at the beginning of the calendar year equaled or exceeded 60 days (480 hours). This employee will have 79 days (632 hours) annual leave to his credit as of January 1, 1945. He will earn 26 days (208 hours) annual leave for the calendar year 1945. If he takes 10 days (80 hours) annual leave during the year he will have a balance of 95 days (760 hours)

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(VI A 2)

as of December 31, 1945, of which he may carry forward to January 1, 1946, only 90 days (720 hours), the maximum accumulation allowable to be carried forward from one calendar year to the next. However, an employee with 62 days (496 hours) annual leave to his credit as of January 1, 1945, accrues 26 days (208 hours) annual leave for the calendar year 1945; if he takes 5 days (40 hours) annual leave during the year, he will have a balance of 83 days (664 hours) as of December 31, 1945, of which he may carry forward to January 1, 1946, 77 days (616 hours) or 15 days (120 hours) in excess of 62 days (496 hours).

4 Annual leave will accrue to an employee while in a leave-with-pay status provided he returns to duty or provided that failure to return to duty is due to death, disability (evidence of disability must be supported by a medical certificate), retirement for disability, or reduction in force.

5 Whenever a permanent employee's absence in a nonpay status within a calendar year totals the equivalent of the base pay hours in one biweekly pay period (normally 80 hours), the credits for annual leave shall be reduced one day. "Nonpay" status covers only leave without pay and suspensions. It does not include furlough without pay.

6 When an employee is absent in a leave-without-pay status and during such period receives compensation from the Bureau of Employee's Compensation - Federal Security Agency, he earns leave during this period which is credited upon his return to duty.

B When and How Annual Leave May Be Taken

1 Employees may take annual leave when it best suits their convenience, provided it does not conflict with the work of the office. Permission to take annual leave must be secured in advance except in emergencies from the approving officer.

2 Permanent employees may be granted annual leave at any time during the pay period in which it accrues.

3 First-year, War Service employees, and those appointed under Interim Civil Service Regulations may not be granted annual leave in excess of the amount accrued to their credit.

4 After serving continuously for one or more years in the federal service (including time spent in military service), permanent

LEAVE REGULATIONS AND ROUTINES

(VI B 4)

employees (except War Service employees and those appointed under the Interim Civil Service Regulations) may be granted, in advance of accrual, annual leave which would be earned for the entire calendar year, with the understanding that if such leave is not later earned, refund must be made, except as provided in paragraph X B.

5 The minimum initial charge for absence on annual leave is one hour and additional leave is charged in multiples of one hour.

6 Leave charges for each day are computed separately. For example, an absence from work for $1\frac{1}{2}$ hours before the close of business one day and an absence of one-half hour the following morning may not be combined to make a charge of 2 hours. The charges would be for 2 hours and 1 hour respectively. However, should an employee be absent $1\frac{1}{4}$ hours in the morning and three-fourths hour in the afternoon of the same day the charge would be 2 hours.

7 Annual leave may not be granted or charged on Saturdays, Sundays or holidays falling within a period of leave, except that employees whose regular tours of duty require that they work on a Saturday or Sunday shall be charged leave on such days and not be charged leave for the day in lieu of Saturday or Sunday on which they are not required to work. (See paragraph XIII H)

C Lump-sum Payment for Accumulated and Current Accrued Annual Leave Upon Separation from the Service - Lump-sum payment to employees for accumulated and accrued annual leave is mandatory upon (1) absolute separation from the service, (2) upon separation by death of an employee who has annual leave to his credit, (3) upon transfer to another federal position which does not come under the same leave regulations, (4) upon entry into any branch of the armed forces, unless the employee elects to have his annual leave remain to his credit.

1 Holidays falling within a period for which lump-sum payment is being made shall be paid for but shall not be counted as days of leave provided the holiday falls within the basic administrative workweek and was designated as a holiday on or before the date of separation.

2 When an employee is furloughed in lieu of separation as a result of reduction in force, the furlough shall not become effective until expiration of the notice period or of the annual leave period (if elected), whichever date is later. Such an employee will not receive a lump-sum payment for accrued annual leave unless he resigns or is separated before the expiration of such leave.

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(VI C)

3 An employee involuntarily separated, due to reduction in force, or for any other reason, must receive a lump-sum payment for all the annual leave which he has to his credit as of the last day of active duty, with the exception that annual leave may be granted when the employee cannot be retained in a duty status for the entire 30 day period of advance notice. If the employee resigns before the expiration of such period of annual leave, the separation of the employee should be made effective at the end of the pay period current when notice of resignation is received.

4 If an employee is voluntarily separated from the service, he shall receive a lump-sum payment for all annual leave to his credit. The period covered by a lump-sum payment is not to be regarded as active service for retirement, periodic pay increases, or for any other purpose.

5 Except as otherwise noted herein, no annual leave may be granted an employee immediately prior to separation when it is known in advance that the employee is to be separated. For separations for age retirement, consult the appropriate pay roll office before the employee's last day of duty. The effective date for all types of separations shall be as of the last day of active duty with the following exceptions:

a As noted in paragraphs VI C 2 and 3 above.

b Employees who enter the armed forces. Such employees may take annual leave or LWOP between their last day of active duty and the day of their induction.

c If an employee resigns or is separated while on annual leave already granted, the date of separation from the service may be fixed administratively to coincide with the termination date of the pay roll period current when notice of the resignation is received in the administrative office.

d If an employee is on sick leave at the time of resignation, the effective date of the resignation is the last day of such approved sick leave.

e If an employee resigns while in a nonpay status, the effective date of the resignation shall be the last day of the employee's designated period in a nonpay status or the date upon which he tenders his resignation, whichever date is earlier.

f A person retiring for disability (after such retirement has been approved by the CSC) will be separated as of one of the

LEAVE REGULATIONS AND ROUTINES

(VI C 5 f)

two alternative dates listed below. Any accrued annual leave to the employee's credit will be paid in a lump sum as of the date of separation.

(1) The date notice of approval from the Civil Service Commission is received, if the employee is on annual leave or leave without pay. However, if leave without pay began during the month in which the notice is received, the employee should be carried on leave without pay until the end of the month.

(2) The end of the calendar month in which sick leave expires, if the employee is on sick leave. Leave without pay should be granted to cover the period between the expiration of the sick leave and the end of the calendar month.

6 If an employee transfers to an agency which is covered by a different leave system, all accumulated and current accrued annual leave must be liquidated by a lump-sum payment. No dual compensation will be involved because such lump-sum payments are not regarded as salary or compensation except for purposes of taxation. Retirement is not deducted from lump-sum payments.

7 Employees entering active duty with the armed forces in (a) military or naval forces of the United States, (b) United States Maritime Service (Merchant Marine), or (c) the United States Public Health Service as commissioned officers may receive a lump-sum payment for all their leave, or may elect to have such leave remain to their credit. Employees must either apply for annual leave in writing or submit a statement that they elect to have such leave remain to their credit.

D Reappointment - An employee who receives a lump-sum payment upon separation from a permanent position and is reappointed to a permanent position in the same or a different government agency prior to the expiration of the period for which the lump-sum payment was made, must refund to the employing agency the portion of the payment covering the period between the date of reemployment and the expiration of the leave period. The amount of annual leave represented by the refund is recredited to the employee in the employing agency. However, if an employee had received a lump-sum payment for more than 90 days and is reemployed after a new calendar year has begun, he may not refund for more than 90 days.

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

VII ANNUAL LEAVE REGULATIONS APPLICABLE TO TEMPORARY EMPLOYEES

A Rate Leave is Earned - Temporary employees earn $2\frac{1}{2}$ days (20 hours) annual leave for each completed month of service, that is, continuance in a pay status during the entire work month. No leave is credited for part of a month of service.

B When Leave is Credited - The $2\frac{1}{2}$ days (20 hours) is credited at the end of each month of service.

C When Leave is Granted - Annual leave earned for the service month may not be granted before the last $2\frac{1}{2}$ days of the month.

D Lump-sum Payment for Annual Leave - Temporary employees may not be granted terminal annual leave but must receive a lump-sum payment for any annual leave which they have to their credit. For example, an employee who receives a temporary appointment for 1 month may not cease active duty $2\frac{1}{2}$ days before the expiration date of the appointment for the purpose of being granted annual leave but must be continued in an active duty status through the last date of the appointment and receive a lump-sum payment for leave.

E Absence During First Month of Service - Absence other than for illness during the first month of service is charged as leave without pay unless the initial absence occurs during the last $2\frac{1}{2}$ days of the month.

F Break in Service - Any period of leave without pay, a day or fraction of a day, during a period of temporary employment is considered a break in the service month and a new leave month is begun on return to duty.

G Lump-sum Payments Upon Induction into Military Service - Temporary employees must receive a lump-sum payment for all annual leave which they have to their credit at the time of their induction into military service since they are not eligible for military furlough and must therefore be separated.

VIII SICK LEAVE REGULATIONS APPLICABLE TO PERMANENT AND PERMANENT FIRST - YEAR EMPLOYEES

A How Sick Leave is Earned - Sick leave is earned on a calendar-month basis.

1 Amount earned for each calendar month (except when in a furlough without pay status) -- $1\frac{1}{4}$ days (10 hours).

LEAVE REGULATIONS AND ROUTINES

(VIII A)

2 The minimum credit for sick leave is 1 hour.

3 Unused sick leave may be accumulated until it totals 90 days (720 hours). The total accumulation of sick leave at the end of any month may not exceed that amount.

4 Sick leave does not accrue while an employee is in a leave-with-pay status unless and until there is a return to duty except when failure to return to duty is due to death, disability, retirement for disability or reduction in force.

5 Sick leave is reduced $\frac{5}{8}$ of a day each time absence without pay (not including furlough without pay) totals the equivalent of the base pay hours in one biweekly pay period in a calendar year. Total reductions in any one calendar year shall not exceed 15 days.

a There is no reduction of leave credits for a period of leave without pay covered by payments of disability compensation by the Bureau of Employee Compensation of the Federal Security Agency.

B When Sick Leave May Be Taken

1 When an employee is incapacitated for the performance of his duty by sickness, injury, or pregnancy and confinement.

2 For medical, dental, or optical examination or treatment.

3 When a member of the immediate family of the employee is afflicted with a contagious disease and requires the care and attendance of the employee.

4 When, through exposure to contagious disease, the presence of the employee at his post of duty would jeopardize the health of others.

C How Sick Leave May Be Taken

1 Sick leave is available at any time during the month in which it accrues.

2 The minimum charge for sick leave is 1 hour. Additional sick leave will also be charged in multiples of 1 hour.

3 Sick leave absences may not accumulate from day to day for the purpose of charging units of hours. For example, an employee absent for $1\frac{1}{2}$ hours ending at the close of business 1 day and for one-

LEAVE REGULATIONS AND ROUTINES

(VIII C 3)

Personnel
Provisions of Employment
Leave

half hour at the beginning of business on the following day shall be charged 2 hours sick leave the first day and 1 hour the following day. However, should an employee be absent $1\frac{1}{2}$ hours in the morning and one-half hour in the afternoon of the same day, he shall be charged only 2 hours leave for that day. An absence of $1\frac{1}{2}$ hours in the morning and three-fourths hour in the afternoon of the same day would result in a charge of 3 hours leave.

4 If it is necessary due to lack of facilities in the local area, for an employee to travel any distance outside the local area for proper examination or treatment, the travel time involved may be charged as sick leave.

5 An employee who is absent because of illness shall notify his supervisor as early as practicable on the first day of such absence, or as soon thereafter as possible.

6 Sick leave of 3 days (24 hours) or less must be supported by a personal certificate: (a) by the initials of the employee on the SF-1130 or 1135 or (b) by certificate on SF-71 signed within 2 days after return to duty. In no case will a medical certificate be required for absence of 3 days (24 hours) or less.

7 Sick leave of more than 3 days (24 hours) must be supported by a medical certificate, filed within 15 days after return to duty, except in special cases where the services of a physician are not obtained, a statement by the employee on the reverse of the SF-71 relating the nature of the illness and why the services of a physician were not obtained, may be accepted in place of a medical certificate.

8 Verbal approval of leave for the purpose of obtaining a medical, dental, or optical examination or treatment must be obtained in advance. Upon return to duty the employee must submit a SF-71. The SF-71 must bear the certification of the employee that he has received such examination or treatment and shall include the name and address of the physician, dentist, or other practitioner visited and the date and hour of the visit.

9 Illness of 5 or more workdays (40 hours) occurring within a period of annual leave may be charged to sick leave, and the charge against annual leave reduced accordingly. The request for such a charge must be made within 2 days after return to duty and supported by a medical certificate or a personal certificate as indicated above.

LEAVE REGULATIONS AND ROUTINES

(VIII C)

10 In the cases of serious disability or ailment when the need or urgency of the situation makes it necessary, permanent employees (except First-year and War Service employees and those appointed under Interim Civil Service Regulations) may be advanced 30 days (240 hours) sick leave in excess of all accumulated and current accrued sick leave. Such advance is subject to the following limitations:

a The disability or ailment must be that of the employee himself; advance of sick leave is not authorized for his absence while caring for a member of his immediate family afflicted with a contagious disease.

b Absence from duty must be for a period of 5 or more consecutive workdays (40 hours).

c Application for advance sick leave shall be supported by a medical certificate. Advance sick leave may be granted upon the employee's oral application. Upon his return to duty the employee shall submit a SF-71, supported by a medical certificate, to his approving officer.

d Advanced sick leave is charged against subsequently earned sick leave.

e Sick leave may be advanced regardless of whether or not an employee has annual leave to his credit.

f The regulations fix no limitation upon the time when application for or approval of advance sick leave may be made.

11 An employee who is to be separated or placed in a leave-without-pay status primarily because of incapacity for duty due to ill health or maternity is entitled to be granted all accumulated and current accrued sick leave provided application is made for such sick leave and is supported by the certificate of the physician.

a An employee, resigning due to ill health or maternity, who is granted sick leave prior to such separation, shall be carried on the rolls until the expiration of all accumulated and current accrued sick leave. The effective date of separation shall be the expiration date of sick leave and lump-sum payment shall be made for all annual leave to the employee's credit.

IX SICK LEAVE REGULATIONS APPLICABLE TO TEMPORARY EMPLOYEES

A Rate Sick Leave Is Earned - Temporary employees earn $1\frac{1}{4}$ days (10 hours) sick leave for each completed month of service. No leave is

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(IX A)

credited for part of a month of service. Any period of leave without pay is considered a break in service and a new service month is begun on return to duty.

1 Sick leave may be used at any time during the month in which it is earned.

2 When a temporary employee has already taken his accrued sick leave for the month and later in the month a break in service occurs, refund must be made for such sick leave because in this instance the leave is not earned and may not be charged against subsequently earned leave.

3 A temporary employee may not under any circumstances be granted sick leave in advance of its accrual.

X REFUND FOR LEAVE GRANTED IN ADVANCE OF ACCRUAL

A When Required

1 If an employee who remains in the service is granted annual leave which is not subsequently earned during that calendar year, an adjustment is required at the end of the calendar year. For instance, if a permanent employee used up all annual leave to his credit and all that he would earn for the entire year and then went on LWOP, which resulted in a charge against annual leave, a refund would be required. Grant of annual leave in advance of accrual is limited to the amount that would accrue in one calendar year and an overdrawn amount of annual leave at the end of one calendar year may not be carried forward to be charged against leave earned in the next calendar year.

2 An employee who has been granted either advance sick or annual leave which has not been liquidated at the time he leaves active duty prior to separation except as noted in paragraph X B 2 must make a refund for the period covered by such advanced leave.

3 In the above cases refunds for periods covered by advanced leave shall include holidays falling within such a period of leave but not Saturdays and Sundays unless such days are included in regular tour of duty.

B When Not Required

1 When an employee enters on active duty with the armed forces, regardless of whether he resigns his civilian position,

LEAVE REGULATIONS AND ROUTINES

(X B 1)

is placed on military furlough, or is on leave without pay, he is not required to refund for any annual or sick leave which may have been advanced but is unliquidated at the time of such furlough or separation.

2 In cases of death, retirement for disability, reduction in force, or when an employee is unable to return to duty because of disability, evidence of which shall be supported by a medical certificate, no refund is required for annual or sick leave which has been advanced and is unliquidated at the time of such separation.

XI LEAVE WITHOUT PAY

A Granting Leave Without Pay

1 Leave without pay may be granted even though the employee has annual leave to his credit.

2 Approving officials are authorized to approve applications for leave without pay for period not exceeding 30 consecutive calendar days.

3 Leave without pay may not be granted or imposed as a penalty.

4 Leave without pay in excess of 30 consecutive calendar days but not to exceed one year may be approved by the appropriate Personnel Division, subject to the policies and standards shown in paragraph B below.

a For leave without pay for more than 30 days, the following forms must be submitted to the appropriate Personnel Division:

(1) If for illness, a physician's certificate or the executed reverse of SF-71.

(2) If for reasons other than illness, a brief justification.

(3) For any reason, Form AD-517, "Request for Personnel Action," prepared by designated official.

b In Washington, employees on extended LWOP may be dropped from time and attendance reports after the personnel action has been issued and shall then be picked up on the time and attendance reports on return to duty.

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(XI A 4)

o In the field, a Form SF-1130 shall be made for employees on extended LWOP, each pay period during the absence.

5 Except for extensions of leave without pay to attend school, personnel offices do not have authority to grant leave without pay for more than one year or extensions which would lengthen the period granted to more than a year from the original date. Prior approval of the Director of Personnel must be obtained by the appropriate PE Division for leave without pay extending beyond one year.

6 Application for extension of leave without pay must be made in advance. Such leave should not be taken until the applicant has been advised of its approval, except in cases of emergency. In such cases the nature of the emergency must be clearly stated on the SF-71.

B Policy and Standards for Extended Leave Without Pay not Exceeding
One Year

1 It is the policy of PMA to grant extended leave without pay only where it is for the benefit of PMA and for the welfare of the employee. Except when action is pending on an employee's disability retirement or disability compensation, there must be a commitment by the employee that he will return to PMA upon expiration of the leave without pay.

2 The standards for granting such leave without pay follows:

a PMA or its activities must benefit from the granting of such leave. This benefit to PMA might result from the fact that the work to be performed will be a real contribution to PMA's work, or to some phase of public welfare which is of direct interest to PMA. It could result through the obtaining of experience and information which PMA is desirous of obtaining, and which is not otherwise available to it.

b To attend school if the research or course of study to be pursued will result in increased job ability applicable to work of PMA. If the employee is a veteran attending, or who is to attend, an educational institution under provisions of Public Law 16 or Public Law 346, 78th Congress (G. I. Bill of Rights), a liberal policy will be applied even though his course of study is not directly related to the activities of PMA. Within 15 days of the matriculation date such veterans shall supply the appropriate personnel office with a statement from the educational institution that he has matriculated.

LEAVE REGULATIONS AND ROUTINES

(XI B 2 b)

Evidence that the veteran is not attending an educational institution shall be grounds for termination of the leave without pay.

c To teach at a college or university if such teaching will give the employee additional experience and training of value to PMA, or in some way further the interests of PMA.

d To work in a nonfederal public (except public international organizations) or private enterprise where the work is temporary and the following provisions are met:

(1) The work to be done may not be construed by the public to be the official acts of PMA.

(2) The doing of such work does not involve the use of information secured as the result of employment in PMA to the detriment of the public service.

(3) That such employment does not tend to bring criticism on PMA or cause embarrassment.

(4) That the employee is not accepting office in organizations, nor permitting the use of his name in the advertising matter of organizations commercializing the results of research work conducted by PMA, irrespective of any merits which such enterprises may appear to possess.

e In order to recover from illness, or injury not of a permanent or disqualifying nature, when continued work or immediate return to duty would endanger the employee's health, or the health of other employees. Such leave without pay (including maternity leave) may be granted for an initial period of 6 months and may be extended for periods of 3 months or less, the total not to exceed one year, provided a physician certifies the employee is not able to return to duty.

f When denial of leave without pay would result in severe personal hardship to the employee, and PMA is interested in his retention.

g In order to protect the employee's status:

(1) Pending final action by the Civil Service Commission on a claim for disability retirement after all sick and annual leave have been used, or

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(XI B 2 g)

(2) Pending final action by the Bureau of Employee Compensation on a claim for disability compensation resulting from employment-connected disease or injury.

C Charging Leave Without Pay

1 Minimum Charge - One hour shall be the minimum charge. Additional time shall be charged in multiples of one hour.

2 Charging Leave Without Pay on Holidays

a A charge of leave without pay is made for a holiday occurring in a period of leave without pay.

b A charge of leave without pay is not made for a holiday which immediately precedes leave without pay.

c If an employee returns to duty at the beginning of business the day following a holiday prior to which he was on a definite period of leave without pay, administratively approved in advance, no leave without pay charge would be made for the holiday.

3 Leave Without Pay for Part of a Day - Where leave without pay begins at an hour after the beginning of a workday, the total period of nonpay status would be the difference between the number of hours in the workday, exclusive of the lunch period, less the number of hours in a duty status. Example: If an 8-hour employee has 2 hours leave with pay, the balance (6 hours) is the amount charged to leave without pay.

D Substitution of Annual Leave for Leave Without Pay

1 Annual leave in the amount standing to the employee's credit when he went on leave without pay may be substituted for a period of leave without pay as follows:

a When an employee is suspended from duty and the suspension is later determined to have been unjustified.

b When leave without pay is charged because an employee is not aware, on account of administrative error or a misunderstanding, that he had annual leave which could have been used.

LEAVE REGULATIONS AND ROUTINES

(XI)

E Refunds for Leave Granted but not Subsequently Earned - Annual or sick leave originally charged shall not be charged to leave without pay if a refund is made. Instead, a notation should be made on the record card that the refund was made for the unearned annual and/or sick leave.

F Reduction of Annual and Sick Leave Because of Leave Without Pay - See paragraphs VI A 5 and VIII A 5.

XII TRANSFERS

A Transfer From a Permanent Position to a Permanent Position Under the Same Leave System - If an employee is transferred from a permanent position to another permanent position under the same leave regulations, his leave account should be certified by the appropriate pay roll office to the employing agency for credit or charge to the employee.

B Transfer From a Permanent Position to Another Under Different Leave System - If an employee is transferred from a permanent position to another permanent position under different leave regulations, he shall receive a lump-sum payment for accrued annual leave. He shall be given a statement of his sick leave account and shall be informed that if he is subsequently appointed, reappointed, or transferred to a position within the purview of the leave act of March 14, 1936, with no break in service or a break of less than 90 days, the sick leave shown to be due him may be credited to his account in the new position.

C Transfer From a Permanent Position to a Temporary Position - If an employee is transferred from a permanent position to a temporary position, his leave account shall be disposed of as follows:

1 He shall be given a lump-sum payment for the annual leave to his credit.

2 If both positions are in the Department of Agriculture, he shall be credited in the temporary position with such sick leave as may be due him or charged with any unliquidated sick leave which may have been advanced.

3 If the position is in a different agency, he shall be given a statement of any sick leave to his credit and shall be informed that if he is subsequently appointed, reappointed, or transferred to a permanent position with no break in service or a break of less than 90 days, the sick leave shown to be due him may be credited to his account in such permanent position.

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(XII)

D Transfer from a Temporary Position to a Permanent Position - If a temporary employee is transferred to a permanent position in the Department of Agriculture or in another agency, he is entitled to a lump-sum payment for his annual leave. Any sick leave to his credit shall be credited to him in the new position.

E Transfer from one Temporary Position to Another Temporary Position - If a temporary employee transfers to another temporary position within PMA or the Department of Agriculture, any leave to his credit shall be transferred for credit or charged to his account. A series of temporary appointments or extensions thereof, without break in service, should be considered as one temporary appointment regardless of aggregate length of service if each of the appointments or extensions was for a definite period of not exceeding one year.

F Crediting Leave When Transfer is Made From a Temporary Position to a Permanent Position - Because of the difference in crediting leave to temporary, and permanent employees, the following method shall be followed in crediting sick leave when a temporary appointment is converted to a permanent appointment prior to the end of the service month: Service as a permanent employee shall be counted as temporary service for the purpose of completing the month of service. Leave shall be credited for the remainder of the calendar month as a permanent employee.

XIII ABSENCE FROM DUTY UNDER SPECIFIED CONDITIONS

A Court Leave

1. Jury Service - When an employee (except temporary and WAE employees) is selected for jury duty he may be excused without charge against leave for the period of such service.

a A "term" or "period" of jury service is the time from the date stated in the summons on which the employee is required to report to the court to and including the date on which he is discharged by the court, regardless of the number of hours per day or per week he actually serves on the jury during such time.

b Such "term" or "period" does not include periods during which an employee is excused or discharged by the court, either for an indefinite period subject to call by the court or for a definite period in excess of 1 day (8 hours). Further where the condition of work requires, and where no hardship would result, it is within the administrative discretion of the approving officer to inform a prospective juror that, if

LEAVE REGULATIONS AND ROUTINES

(XIII A b)

excused from jury duty for one day or a substantial portion thereof, he would be expected to return to duty or be charged with leave.

c Upon return to duty the employee must present a jury-duty certificate signed by an officer of the court.

d Temporary and WAE employees called for jury duty shall be charged annual leave for the period of such service; if no annual leave is available, leave without pay.

2 Witness Service - When an employee is summoned as witness in the following instances, he may be excused without charge against leave. A certificate from the court is required for such absence.

a Cases which arise within the Department or cases which grow out of violations of laws of a State or subdivision thereof, the enforcement of which employees have been authorized to assist.

b Cases which do not arise within the Department but in which the employee is testifying for the United States Government or the District of Columbia. (See exception, paragraph d below)

c Cases which are not within the scope of "a" or "b" above but in which the employee testifies by reason of his official position or knowledge gained in his official capacity.

d Exception: Absence from official duty to testify in judicial proceedings not covered in the above, and absence of a temporary or "when actually employed" employee appearing as a witness for the District of Columbia shall be charged against annual leave and when annual leave is not available, to leave without pay.

B Leave for Civil Service Examinations

1 For noncompetitive Civil Service examinations, employees shall be granted official leave for a period necessary to complete the examination.

2 Any employee who takes one of the forthcoming Civil Service examinations during the interim period may have official leave for the necessary time if:

a The examination is for the position he now occupies, or

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(XIII B 2)

b The examination is for a position to which promotion is recommended by the Department.

C Selective Service Board Examination - Employees ORDERED to report for physical or other examinations required for entry into any branch of the armed forces shall be excused from duty, without charge against leave, for a period of sufficient duration to enable them to submit to such examination.

1 Absence must be supported by an official notification from the Local Selective Service board.

2 If more than 1 day (8 hours) is taken, absence must be supported by a statement showing the necessity for additional time.

3 No leave is charged for the purpose of medical treatment required by a Local Selective Service board as a prerequisite to induction into the service.

D X-Ray Examinations - For Washington employees only - Employees keeping an appointment at the Public Health Service, made by their Personnel Division for the purpose of having a chest X-Ray, shall be excused from duty, without charge against leave, for the necessary period.

E Leave to Disabled Veterans for Medical Treatment - Upon presentation of an official statement from duly constituted medical authority that medical treatment is required, such annual or sick leave as the employee has to his credit, such sick leave that may be advanced, or such leave without pay as may be necessary, shall be granted to the disabled veteran for treatment.

F Leave for Voting Purposes

1 Employees wishing to vote in the communities where they are employed may be excused, provided that they may be spared, on all election days for a reasonable length of time. Such authorized absence shall not be charged to annual leave and must not exceed the time actually required to vote, and in no event shall it exceed 1 working day (8 hours).

2 Annual leave should be granted whenever practicable to employees wishing to return to their legal residence to vote. In such cases employees are allowed 1 day (8 hours) without charge against annual leave. The period of absence in excess of 1 day

LEAVE REGULATIONS AND ROUTINES

(XIII F 2)

(8 hours) shall be charged to annual leave, or if annual leave is exhausted, to leave without pay.

G Absence from Duty to Visit Blood Donor Centers - Employees should be granted a reasonable amount of time to visit blood donor centers for the purpose of donating blood, without a charge against their annual or sick leave.

H Holidays

1 Legal holidays are as follows:

New Year's Day - January 1
Washington's Birthday - February 22
Decoration Day - May 30
Independence Day - July 4
Labor Day - First Monday in September
Armistice Day - November 11
Thanksgiving Day - Fourth Thursday of November
Christmas Day - December 25
Inauguration Day in the District of Columbia only
Any other day declared a holiday by Federal Statute or Executive Order

2 Whenever one of these holidays falls on a Sunday, the following Monday shall be a nonwork day except:

a For employees whose regular basic workweek includes both Sunday and Monday, either day, as determined by the director of the branch or staff office concerned, shall be treated as a holiday.

b For employees whose regular basic workweek includes Sunday but not Monday, only the Sunday shall be treated as a holiday.

3 Whenever one of the holidays falls on a Saturday, only the Saturday shall be treated as a holiday.

4 There is no administrative discretion to excuse field employees from duty without charging annual leave solely on the grounds that the days of absence are holidays local to the place of employment. Likewise, there is no statute or executive order which precludes the closing of field offices by administrative action on local holidays when Federal work may not be properly performed, and such days would be "nonwork days established by administrative order"

LEAVE REGULATIONS AND ROUTINES

Personnel
Provisions of Employment
Leave

(XIII H 4)

and not chargeable as annual leave to employees in the offices involved who are paid on a per annum or monthly basis. Employees paid on the basis of "when actually employed" would not be entitled to compensation on such days of absence. Unless local celebrations or observance of holidays involve the closing of buildings occupied by PMA offices or the withdrawal of other facilities essential to the performance of official work, such occasions do not constitute acceptable justification for excusing the personnel. A brief statement of the necessity for the closing of offices shall be furnished the appropriate personnel office in all cases where employees are dismissed in order that a local holiday may be observed.

5 No leave of any kind may be granted or charged on a holiday. When regular hours of duty are required on a holiday, absence from duty must be excused by the approving officer or disciplinary action must be taken.

* * *

